

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTH CAROLINA ELECTRIC AND GAS COMPANY

Employer

and

Case No. 11-RC-6406

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL  
UNION 772, AFL-CIO

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 1/

All full-time and regular part-time operations and maintenance employees employed by the Employer at its Jenkinsville, South Carolina, facility, including Planning Assistants; Technical Specialists III; Senior Nuclear Reactor Operators; Nuclear Reactor Operators; Senior Auxiliary Operators, Auxiliary Operators; Planning Specialists; Test Specialists II; Test Specialists III; Procedure Specialists; Instrumentation and Control (I & C) Mechanics; Tool Room Attendants; Plant Mechanics; Plant Electricians; Plant Electrician Apprentices; Specialist Planning; Instrument Mechanics; Instrument Mechanic Apprentices; Instrumentation & Control (I & C) Specialists; Storekeepers; Materials Couriers; Planner Maintenance; Scheduling Coordinators; Instructor Nuclear Technician in Operations Support; Wastewater Assistants; Health Physics Specialists; Health Physics Clerks; Surveillance Specialists III in Materials and Procurement; Inspectors II in Materials and Procurement; Quality Control Inspectors I, II and III; Quality Control Planning Specialists; Quality Assurance Surveillance Specialists II and III; Nuclear Training Instructors III; Nuclear Technical Instructors; Simulator Operator Specialists; Quality Assurance/Quality Control Instructors; Security Instrument Mechanics; and Facility Man-A; but excluding, Chemistry Specialists; Senior Chemistry Specialists; Outage Coordinator; Project Support Specialists; Mechanical Planning Coordinators; Coordinators Instrument Planning; Coordinators Civil/Mods; Coordinators Electrical; Coordinators Mechanical Planning; Administrative Shift Engineers; Shift Engineers; (continued on next page)

**DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees

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engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by

International Brotherhood of Electrical Workers, Local Union 772, AFL-CIO

#### LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 11 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. I shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office of the National Labor Relations Board, Region 11, 4035 University Parkway, Suite 200, P. O. Box 11467, Winston-Salem, North Carolina 27116-1467, on or before **August 4, 2000**. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission. Since the list is to be made available to all parties to the election, please furnish a total of two copies, unless the list is submitted by facsimile, in which case no copies need be submitted. To speed preliminary checking and the voting process itself, the names should be alphabetized (overall or by department, etc.).

If you have any questions, please contact the Regional Office.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **August 11, 2000**.

Dated July 28, 2000

At Winston-Salem, North Carolina

/s/Willie L. Clark, Jr.

Regional Director, Region 11

NPDES/Hazardous Waste Coordinators; Coordinator –Year 2000; Assistant Controllers; CFCIP Coordinators; Senior Engineers; Associate Engineers; Project Support Specialists; Engineers; Procurement Team Leaders; Team Leader Procurement Associates; Procurement Agent; Procurement Associates II and III; Assistant Engineers; Engineering Specialist III; Plant Support Engineers; Shift Engineers; Technicians; Coordinator Regulatory Support; Licensing/OE Specialists; PSA/PRA Senior Engineers; Administrative Team Leader Nuclear Operations Building; Administrative Team Leader Nuclear Craft Training Centers; Administrative Team Leaders Auxiliary Services and Security Buildings; Administrative Team Leader Service Building; Administrative Team Leaders Document Control and Records; Pool Clerical Employees in Nuclear Operations Building; Mail Couriers; Reprographic Specialists; Coordinator Emergency Services; Coordinator Access Control; Coordinator Security Operations; Emergency Plan Specialists; Security Training Assistants; Shift Leaders; other office clerical employees; and guards, professional employees, and supervisors as defined in the Act.

- 1/ South Carolina Electric and Gas Company is a public utility company incorporated in the State of South Carolina, where it is engaged in the operation of a nuclear power facility, the V. C. Summer Nuclear Station, in Jenkinsville, South Carolina. At this nuclear power facility, the Employer uses nuclear energy to generate electricity. The Nuclear Regulatory Commission (NRC) regulates the facility by establishing record-keeping and procedural requirements.

The facility encompasses a number of areas and structures. The NRC requires that the portion of the facility surrounding the nuclear reactor be enclosed by a fence and that other portions of the facility be located outside the fenced area. A number of structures and buildings are located within the fenced, or protected, area of the facility. These structures include the Reactor Building, Control Building, Fuel Handling Building, Diesel Generator Building, Radiological Maintenance Building, Service Building, Auxiliary Service Building, Turbine Building, Intermediate Building, Water Treatment Building, two warehouses, a transformer area and a maintenance shop area. In order to gain access to the protected area, individuals must have site badges. Outside the protected area are located the Nuclear Operations Building, various shops and warehouses, the Craft Technical Training Center, and Security Building, as well as the wastewater ponds.

The Vice-President of the Nuclear Operations Division, who reports directly to the President and Chief Operating Officer, oversees the general managers of the major divisions, including, among others, Nuclear Plant Operations, Nuclear Support Services, and Engineering Services. The Nuclear Plant Operations Division encompasses the following departments: Planning and Scheduling, Operations, Maintenance Services, Chemistry, Health Physics and Radwaste, and Outages. The Nuclear Support Services Division includes the following departments: Strategic Planning and Development, Quality Systems, Licensing & Operating Experience, Nuclear Training, Nuclear Protection Services, and Administrative Services. The Engineering Services Division encompasses the following departments: Material and Procurement, Design Engineering, Plant Support Engineering, and Project Support. Supervisors and coordinators

in the foregoing departments report to the respective managers of each department, who in turn report to the general managers of each division.

The facility operates on a 24-hour-a-day continuous schedule. The various shifts include 12-hour day and night shifts; four 10-hour shifts; and another shift referred to as working the "nines," in which the employee works eight 9-hour days, one 8-hour day, and takes the tenth day off. Employees fill out timesheets instead of punching a time clock. There is a minimum employee complement required for all shifts, which includes classifications from the Operations, Health Physics and Radwaste, and Chemistry Departments within the Nuclear Plant Operations Division. All of the employees employed at the facility receive the same fringe benefits package and are eligible to participate in the bonus plan.

The facility generates electricity by using the nuclear-powered reactor to heat water. The water then passes through a steam generator, where the water is converted into steam. The steam is then passed through a turbine, generating electricity. The steam is then condensed back into water, which, after being treated, is re-used. The process creates radioactive wastes, both solid and liquid, which must be collected, processed, and shipped for disposal. The entire production process is strictly regulated by the NRC, which requires written procedures for each phase of the generation process.

The Union has petitioned to represent some, but not all, of the classifications of employees working in the Nuclear Plant Operations Division, including: Planning Specialist; Technical Specialist III; Planning Assistant; Senior Nuclear Reactor Operator; Auxiliary Operator; Nuclear Reactor Operator; Senior Auxiliary Operator; Test Specialist II; Test Specialist III; Procedure Specialist, Instrumentation and Control (I and C) Mechanic; Tool Room Attendant; Plant Mechanic; Plant Electrician; Plant Electrician Apprentice; Instrument Mechanic; Instrument Mechanic Apprentices; Instrumentation and Control (I and C) Specialist; and Specialist, Planning. These employees work under the supervision of the Manager of Planning and Scheduling, the Manager of Operations, and the Manager of Maintenance Services. The Union would also include two classifications of employees, Storekeepers and Materials Couriers, who work in the Engineering Services Division under the supervision of the Manager of Materials and Procurement, who in turn reports to the General Manager of Engineering Services. The Union would exclude all other employees.

The Employer would include all of those employees petitioned for by the Union, but would also include the classifications of Planner Maintenance, Scheduling Coordinator, and Instructor Nuclear Technicians, which are all contained within the Operations Department of the Nuclear Plant Operations Division. In addition, within the Nuclear Plant Operations Division, the Employer would include the Wastewater Assistants, Chemistry Specialists, and Senior Chemistry Specialists, who are employed in the Chemistry Department, as well as the Health Physics Specialists and Health Physics Clerk, who work in the Health Physics and Radwaste Department. The Employer would also include classifications within the Engineering Services Division, including Surveillance Specialists III and Inspectors II, who work in Materials and Procurement Department. The Employer would also include classifications within the Nuclear Support Services Division, including Quality Control

Inspectors I, II and III; Quality Control Planning Specialists; Quality Assurance Surveillance Specialists II and III; Health Physics Specialists in Quality Control; Payroll Clerks; Reprographic Specialists; Mail Couriers; Pool Clerical Employees; Nuclear Training Instructors III; Nuclear Technical Instructors I, II, and III; Simulator Operator Specialists; Quality Assurance/Quality Control Instructors; Security Instrument Mechanics; and the Facility Man-A. Both parties have filed briefs which have been carefully considered.

1. The agreed-upon classifications.

The Senior Nuclear Reactor Operators, Nuclear Reactor Operators, Senior Auxiliary Operators, Auxiliary Operators, Test Specialists II and III, and one Planning Specialist work under the direction of supervisors who report to the Manager of Operations. The parties agree that all of these classifications are properly included in the bargaining unit.

Senior Nuclear Reactor Operators are licensed to direct the manipulation of the controls of the reactor. Nuclear Reactor Operators are licensed to manipulate the controls of the reactor. Auxiliary Operators are not licensed to manipulate equipment in the control room, but may operate equipment in the plant. Employees in these classifications are assigned to the Operations Procedures Unit, the Operations Scheduling Unit, or the control room.

Operators assigned to the Operations Procedures Unit work in cubicles in the control building, which is located directly outside the control room, inside the protected area. These operators, who work a dayshift schedule, Monday through Friday, are responsible for the writing of procedures to operate the plant. Senior Nuclear Reactor Operators and Nuclear Reactor Operators in the Operations Scheduling Group work in cubicles on the first floor of the service building, which is located within the protected area. Their duties include verifying that projected tasks can be performed based on current operating conditions, as well as scheduling operations tasks, and reviewing the level of risk presented by certain tasks. In addition, these operators generate documents for procedures referred to as “lock-outs” or “tag-outs.” In this process, these operators have frequent contact with employees in the Planning and Scheduling Department within the Nuclear Plant Operations Division, including Planning Specialists, Scheduling Coordinators, Technical Specialists III, and Planning Assistants, who are also located in the service building.

Senior Nuclear Reactor Operators and Nuclear Reactor Operators are also assigned to the control room, where the fuel rods of the reactor are actually manipulated. These operators perform surveillance work and take readings in the control room. They are hourly paid, and work 12-hour shifts, except when they are in training, which occurs approximately every five weeks, at which time they work 8-hour days, five days a week.

Senior Auxiliary Operators and Auxiliary Operators, who are not licensed, manipulate equipment in the plant but are not allowed to manipulate equipment in the control room. They are responsible for taking readings from equipment in specified areas of the plant, performing surveillance on equipment, and verifying processes such as “line-ups,” which involve opening and shutting valves in a pipeline system in preparation for operation or shutdown. The duties

of these two classifications also require that these operators go outside the protected area, to log certain information.

Test Specialists II and III perform testing activities and surveillance testing activities on equipment in the plant. They are also responsible for fire detection systems and for identifying necessary remedies in the event those systems become impaired. They have cubicles in the auxiliary service building, within the protected area, where they perform some of their duties. They also perform their work in the control room, and in the plant proper. When assigned to one of the five operating crews, the Test Specialists work a 12-hour day or evening shift. At other times, they work the “nines” schedule.

The Planning Specialist working in the Operations Department is responsible for the same duties as a Senior Nuclear Reactor Operator and Nuclear Reactor Operator. He has a cubicle in the service building.

The Union also seeks to include the Planning Specialists, Technical Specialists III, and the Planning Assistant working in the Planning and Scheduling Department in the Nuclear Plant Operations Division. The Planning Specialists in this department prepare work documents to submit to craft employees. These documents, referred to as work packages, indicate the repair or preventive maintenance tasks to be performed. Technical Specialists III schedule, coordinate, track, and perform tests on equipment to insure that it meets its intended functions. Planning Assistants coordinate, track, and perform equipment tests for preventive maintenance functions. All of these employees are located in the service building. The Test Specialists work the “nines” schedule. The parties are in agreement that these classifications should be included in the unit.

The Instrument Mechanics, I and C Specialists, Instrument Mechanic Apprentices, Tool Room Attendants, Specialist Planning, Plant Electricians, Plant Electrician Apprentices, Plant Mechanics, Procedure Specialists, and the I and C Mechanics report to supervisors who in turn report to the Manager of Maintenance Services, which is within the Nuclear Plant Operations Division. Instrument Mechanics and I and C Specialists perform corrective and preventive maintenance activities, and calibrate instrumentation and controls within the plant. The Instrument Mechanic Apprentices are in training to perform this type of work. The Specialist Planning, who reports to the Plant I and C Supervisor, orders parts. The Plant Electricians and the Plant Electrician Apprentices repair electrical equipment at the plant. Plant Mechanics perform repairs and preventive maintenance on plant equipment. They also perform surveillance activities on plant equipment. One of the Plant Mechanics orders parts for the mechanical maintenance group. The Procedure Specialists write and correct maintenance procedures used by the maintenance department. They have contact with employees in the maintenance department, as they get feedback concerning the procedures. They work the “nines” schedule. The I and C Mechanics calibrate instrumentation used in testing. The Tool Room Attendants maintain and issue instrumentation and control types of tools and equipment. The Procedure Specialists, the I and C Mechanic, and the Tool Room Attendants work inside the fenced area of the plant. The parties agree that the foregoing classifications are properly included in the bargaining unit.

The employees whom the Union seeks to represent from the Engineering Services Division include the Storekeepers and the Materials Courier. The Employer has three warehouses, two inside the protected area and one outside. Storekeepers work in all three warehouses. They receive and issue parts, maintain an inventory, and audit the materials in the warehouses. They come into daily contact with employees in a number of classifications, including Reactor Operators, Auxiliary Operators, Mechanics and Electricians. They also have contact with Health Physics Specialists, Chemistry Specialists, and Wastewater Assistants, the latter of whom come to the warehouses to pick up chemicals. The Storekeepers work schedules of either 4-10's or the "nines" schedule. The Materials Courier, who works in the warehouse located outside the protected area, deliver parts to employees on-site who cannot pick them up themselves, including electricians and mechanics. This employee couriers parts between the warehouses inside the protected area and outside, and also may transport parts to the training centers, where he would interact with trainers. The Materials Courier also transport parts and make deliveries between the Employer's downtown location and the plant site. The primary employee contacts for the Materials Courier are the Storekeepers and Maintenance employees. The parties agree that these two classifications should be included in the bargaining unit.

## 2. The disputed classifications.

In addition to the classifications sought by the Union in the Operations Department of the Nuclear Plant Operations Division, the Employer would also include the classifications of Scheduling Coordinator, Instructor Nuclear Technician and Planner, Maintenance. The Scheduling Coordinators and the Planner, Maintenance employee work for supervisors who report to the Planning and Scheduling Manager, as do the Technical Specialists III, Planning Specialists, and the Planning Assistant, who the parties agree should be included in the unit. Scheduling Coordinators work under the direct supervision of the Outage Planning Supervisor, as do the Technical Specialists III and the Planning Assistant. Scheduling Coordinators work full-time planning for the most efficient manner in which to complete the plant shut-down process, which occurs every 18 months and lasts from 30 to 35 days. The Planner, Maintenance employee, generates documentation necessary for craft employees to perform their job duties, as do the Planning Specialists, who the parties agree should be included in the unit. Scheduling Coordinators and the Planner, Maintenance are salaried exempt and do not receive payment for overtime. They work in the service building, the same building where the Planning Specialist, Technical Specialists III and the Planning Assistants work.

The Instructor Nuclear Technician works in the Operations Support Area of the Operations Department, as do the Test Specialists II and III, who the parties agree should be included in the unit.. He reports to supervisors who report to the Operations Support Supervisor, as do the Test Specialists. He has a cubicle on the second floor of the auxiliary service building close to the Test Specialists, with whom he has daily contact. The Instructor Nuclear Technician trains Test Specialists and Nuclear Operators in fire protection, fire fighting, and fire

suppression techniques. He also performs “walk-downs” within the plant to ensure the maintenance of fire safety standards. When performing this function, he frequently has contact with operations personnel, particularly when he finds instances of fire safety impairment.

The Employer also seeks to include Wastewater Assistants, Senior Chemistry Specialists, and Chemistry Specialists, who work in the Chemistry Department of the Nuclear Plant Operations Division. The Petitioner takes the position that the Chemistry Specialists and Senior Chemistry Specialists are professional employees. The Petitioner contends that all three classifications do not share a community of interest with the employees whom it seeks to represent, and that these classifications should be excluded.

Wastewater Assistants report to the Coordinator, NPDES/Hazardous Waste who in turn reports to the Chemistry Manager. The Chemistry Manager reports to the General Manager of Nuclear Plant Operations. These employees maintain and monitor ponds that are located outside the fenced area of the plant and contain runoff from the plant, rainwater, and sewage. Wastewater Assistants take samples of the ponds to verify that the ponds are in compliance with the National Pollutant Discharge Elimination System(NPDES). As set out above, they interact with Storekeepers when obtaining chemicals from the warehouse.

Chemistry Specialists work under the supervision of Chemistry Supervisors who report to the Chemistry Manager. Chemistry Specialists have an office area in the water treatment building, located within the protected area. The job description for Chemistry Specialists requires a minimum of four years of chemistry work experience, with one year of that experience as technical training related to being a chemist. The Chemistry Specialists perform analyses in laboratories in the water treatment building and control building. They perform at least thirty different tests for water, and thirty different tests for oil. Some of these tests are simple, and some complex. They also operate the water treatment building, handling the production of both potable water and demineralized water. They perform sampling at various locations throughout the plant, including the turbine building, auxiliary building, and fuel handling building. In addition, they are responsible for operating the condensate polishing system, which is located inside the turbine building. Chemistry Specialists must be familiar with chemistry codes, standards, and protocols. These employees sample and analyze both steam and liquid streams to ascertain the chemical and physical property compositions of each. When performing these tasks, the Specialists are working independently, making judgments and forming conclusions based on their knowledge, experience and training. Although water treatment is their primary job function, chemistry specialists must also sample and analyze other substances in the facility, including oil. If the Chemistry Specialists find a problem during their analysis, they notify the Chemistry Manager, who coordinates with operation and maintenance employees to make the necessary corrections. Chemistry Specialists also serve as hazardous material leaders for the operations and maintenance employees. When working on second or third shift minimum shift complement, Chemistry Specialists report to the duty shift engineer, who is a member of the operations staff.



The Employer employs three Senior Chemistry Specialists who perform the duties of Chemistry Specialists and additional administrative tasks. One of the three Senior Chemistry Specialists shares an office with a Chemistry Supervisor and has input into the evaluation process. Senior Chemistry Specialists must possess a “C” water license, a “D” physical chemical license, and a biological water license. The Employer’s job description for this position requires a minimum of six years of chemistry work experience, of which one year should be technical training. The Employer prefers that Senior Chemistry Specialists have a chemistry degree, although this is not required. Two out of the three Senior Chemistry Specialists have a four-year degree in biology. The third has a four-year degree in business and over ten years experience in the Navy Nuclear Program, where he held the rank of Engineering Laboratory Technician. Job duties of the Senior Chemistry Specialists include coordinating Quality Control programs, reviewing and evaluating routine Quality Control data for trends, coordinating self-assessments and special projects, collecting and reviewing data, generating monthly, quarterly, and yearly reports, coordinating the chemical control program, coordinating procedure development, coordinating on-the-job training programs, and providing support as necessary during maintenance and refueling outages. Senior Chemistry Specialists also provide supervisory coverage in the absence of a chemistry supervisor.<sup>1</sup> Senior Chemistry Specialists are salaried exempt employees.

The Employer seeks to include Health Physics Specialists, who work within the Health Physics and Radwaste Department of the Nuclear Plant Operations Division. Health Physics Specialists are employed in the areas of Respiratory Protection, Field Operations, Administration, Count Room/Instrument Calibration, Radwaste Services, Environmental/PARR and Dosimetry. Health Physics Specialists in the Respiratory Protection Area fit fire brigade employees, Senior Nuclear Operators, Nuclear Operators, Auxiliary Operators and Plant Mechanics with respirators. These Health Physics Specialists also repair respirators and perform annual “fit” tests to ensure that each employee’s respirator fits properly. They also perform fit tests on an ad hoc basis when an employee has undergone a significant physical change. These employees work in the civil shop, which is located outside the fenced area of the plant.

Health Physics Specialists in Field Operations conduct surveys of radiation fields in order to post designated areas to reflect the radiological conditions existing in those areas. These employees accompany operators, mechanics, electricians, instrument control technicians and other employees into contaminated areas to verify that the areas are safe and that employees are not working in areas where radioactivity levels are too high. These employees post different areas of the plant to show radiation levels, contamination levels, and, occasionally, airborne levels. They also post the dress requirements for certain areas depending upon the contamination levels. Health Physics Specialists in Field Operations have the responsibility of addressing any problems they encounter in the performance of their duties, and have the authority to stop the job. These employees have desks and work in the Control Building, but are also dispatched to work in the Auxiliary Building and the Intermediate Building. They

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<sup>1</sup> Neither party contends that the Senior Chemistry Specialists are supervisors within the meaning of Section 2(11) of the Act. Nor does the Petitioner contend that any other disputed classifications are comprised of professional employees.

monitor employees going through any radiologically-contaminated areas as the employees enter and exit, which results in contact with mechanics, reactor operators and electricians. The minimum shift complement required for night shift and weekends includes one Specialist from this classification.

Health Physics Specialists who work in Administration conduct special projects such as procedure writing, tracking, trending, running programs, and developing web pages for the Health Physics Department. The job of these employees is similar to that of a Planning Specialist, who performs surveillance and preventive maintenance activity, as well as scheduling, tracking, and trending. They have cubicles in the auxiliary service building. Specialists in this classification have been rotated in and out of the Administration area, to other areas within the Health Physics Department.

Health Physics Specialists in the Count Room/Instrumentation Calibration are located in the control building. They obtain samples from throughout the plant to count and analyze amounts of radioactive contamination. These samples are often provided by the Health Physics Specialists in Field Operations. The Count Room/Instrumentation Calibration Health Physics Specialists interface with the control room employees by obtaining and analyzing readings similar to that taken by operators on radiation instruments. These Specialists have interaction with operations personnel when determining whether a substance may be released into the atmosphere. These interactions would occur either in the control room “turn-over” meetings that take place every morning and evening, or by telephone during the day. These Specialists calibrate instruments used by operators and any other employee qualified to work in the radiological area. This work is similar to that performed by the I and C Specialists, I and C Mechanics, and Instrument Mechanics, who the parties agreed should be included in the bargaining unit. The minimum shift complement required for night and weekend shifts includes one Specialist from this classification. When working as part of the minimum shift complement, the Specialists work the same 12-hour shifts as the Reactor Operators. At other times, they work either 4-10’s or the nines schedule.

Health Physics Specialists, Radwaste Services are responsible for collecting, processing, and shipping the solid and liquid radioactive waste that is a by-product of heating water by means of nuclear fuel. These Specialists work in the Auxiliary Building. During the production process, Reactor Operators manipulate the reactor to produce a continuous side stream of water, which is processed through filters or demineralizers that contain resin. When the filter is plugged or the resin saturated, the operators isolate the stream to allow the plant mechanics to change the filter. The Health Physics Specialists, Radwaste Services collect, measure, process and ship the radioactive waste for disposal.

The Health Physics Specialists, Environmental /PARR operate the environmental monitoring program. These employees work in the field area surrounding the plant where they collect, count and process samples taken from the environment to monitor the release of radioactivity into the environment. These specialists work independently from the Health Physics Specialists in the other areas.

The Health Physics Specialists, Dosimetry issue dosimeters, radioactivity exposure badges that measure the amount and the type of radiation contained in the body, to technicians and plant operators working in the radiation area. These employees work in the Security Building, which straddles the perimeter fence. Employees working in radiation areas of the facility are required to wear these radioactivity exposure badges and to be measured on a routine basis. The Dosimeter Health Physics Specialists also conduct body counts for new employees, for anyone leaving, and in cases of accidental ingestion of radiation.

The Health Physics Clerk, Dosimetry area, also works in the Security Building. This employee's duties include mailing new dosimeters to employees, collecting used dosimeters for testing, and filing and maintaining records.

In the Engineering Services Division, the Employer would include, in addition to the Storekeepers and Materials Couriers, who the parties agree should be included in the unit, Surveillance Specialists III and Inspectors II, Materials and Procurement. Surveillance Specialists III and Inspectors II, Materials and Procurement, work under supervisors who report to the Manager of Materials and Procurement, as do the Storekeepers and Materials Couriers. Surveillance Specialists III spend a portion of their time visiting vendors who sell parts to the Employer to insure that the standards set by Quality Assurance, Quality Control, and the Nuclear Regulatory Commission are met in the manufacture of the parts. When not visiting vendors, Surveillance Specialists III spend the remainder of their time in their office in the Nuclear Operations Building, which is located outside the fenced area of the plant, preparing for surveillance or audits of vendors. Inspectors II inspect and verify parts received in the warehouses from vendors to insure that the parts meet the quality and specification requirements. They work along side of and on the same schedule as the Storekeepers. Surveillance Specialists III are salaried exempt from overtime pay.

In addition to employees employed by the Employer in the Nuclear Plant Operations Division and the Engineering Services Division, the Employer would also include employees employed in the Nuclear Support Services Division, including Quality Control Inspectors I, II and III, Quality Control Planning Specialists, Quality Assurance Surveillance Specialists II and III, Nuclear Training Instructors III, Nuclear Technical Instructors, Simulator Operator Specialists, Quality Assurance/Quality Control Instructor, Security Instrument Mechanics, and Facility Man-A. The General Manager of the Nuclear Support Services Division oversees the Managers of Quality Systems, Licensing and Operating Experience, Nuclear Training, Nuclear Protection Services, and Administration Services. The Employer's Quality Systems Department consist of Quality Control and Quality Assurance areas that, by regulation, must operate in an independent path from any other departments in the facility. Whereas Quality Control is concerned with the quality of a specific activity that might be performed, Quality Assurance is designed to establish the independence of quality systems, to identify problems, and to initiate and take corrective action.

Quality Control Planning Specialists plan and schedule work to be performed by Quality Control Inspectors I, II, and III. The Quality Control Inspectors I, II, and III inspect the work of journeymen and operators to insure that the work meets specified standards and they

inspect equipment to insure that it is functioning properly. If they discover equipment that is not functioning properly, the equipment is rejected and they write a work document to obtain a replacement part which is installed by a mechanic.

Quality Assurance employees, including the Quality Assurance Surveillance Specialists II and III, are involved in the development and implementation of programs to meet requirements imposed by the Nuclear Regulatory Commission. Surveillance Specialists audit or conduct surveillance on systems developed by other employees such as electricians, management, engineers, and all craft disciplines, for compliance with protocols and for errors both in the field and the plant. Surveillance Specialists review the manner in which employees actually perform their duties and conduct tracking and trending for plant wide functions focused on site-wide correction action programs. These employees write and publish, on a quarterly basis, a trend report which sets forth a comprehensive description of the actual operation of the plant, including instances of human error.

As noted above, one Health Physics Specialist is assigned to work in the Quality Assurance Department under the supervision of the Quality Assurance Supervisor for an 18 to 24-month rotational period. This Health Physics Specialist performs Quality Assurance and Quality Control audits on the Health Physics Specialists.

In the Nuclear Training Department, Nuclear Training Instructors III and the Simulator Operator Specialist work under the supervision of the Operations Training Supervisor who reports to the Nuclear Training Manager. Nuclear Training Instructors conduct training functions for most of the operations staff, including Auxiliary Operators, Senior Auxiliary Operators, Reactor Operators, and Senior Reactor Operators, both in the plant and at the Nuclear Training Center, which is located in a building four miles from the plant site. The instruction provided to employees includes class room instruction, simulator scenarios, and plant simulation of activities called job performance measures. While most of their work is performed at the Nuclear Training Center, which also doubles as the Emergency Center, these employees are required to spend some time in the plant craft areas, control room, and shops. Nuclear Training Instructors III also must spend some time in the plant preparing for job performance measures that they conduct with operations employees. During refueling outages, instructors assist in the operations and maintenance areas of the plant. Nuclear Training Instructors sign off to note that an employee has successfully completed training and advise employees and their supervisors as to how an employee performed during a training program. Nuclear Training Instructors III are not required to have a college degree. Nuclear Training Instructors III work primarily on day shift and are not paid overtime. The Simulator Operator Specialist maintains the training simulator located at the Nuclear Training Center. This employee interacts only with instructors.

The Nuclear Technical Instructors I, II, and III and the Instructor Quality Assurance/Quality Control work under the Manager of Nuclear Training. Prior to becoming technical instructors, the Nuclear Technical Instructors worked in the craft discipline that they are instructing. These instructors conduct craft training for mechanical, electrical, instrumentation and controls, health physics, and chemistry employees utilizing mock-ups of

equipment in the plant to assist the employee in becoming qualified to perform his job duties. Although the Nuclear Technical Instructors spend a majority of their time in an office or a classroom in the craft training building which is located close to the fenced area of the plant, they also perform in-plant job performance measures and are required to spend some amount of time in the plant. Nuclear Technical Instructors can recommend a remediation plan if an employee does not successfully complete the training. Nuclear Technical Instructors are occasionally called to work in the plant as an expert. Nuclear Technical Instructors are not required to have a college degree. Nuclear Technical Instructors I and II receive overtime pay.

The Quality Assurance/Quality Control Instructor performs instruction for Quality Assurance and Quality Control employees. This employee is not required to have a college degree. In the Nuclear Protection Services Department, the Employer would include the Security Instrument Mechanics and the Facility Man-A. These employees report directly to the Manager of Nuclear Protection Services. The Security Instrument Mechanics perform preventive maintenance and testing on the security equipment that protects the facility. The Facility Man-A maintains the facilities outside of the protected area in general. His job duties include moving things, setting up tables and booths and performing odd jobs or working with contract employees to perform these functions.

In the Administrative Services Department, the Employer would include the Payroll Clerk, the Pool Clerical Employees, the Reprographic Specialists and the Mail Courier. The Pool Clerical employees, Reprographic Specialists and Mail Courier report to Administrative Team Leaders who report to the Administrative Services Supervisor. Payroll Clerks work directly under the supervision of the Administrative Services Supervisor, who reports to the General Manager of Nuclear Support Services. Pool Clerical employees work in the Administrative Services Unit and perform clerical work, which includes filing, sorting, photocopying, collecting incoming or outgoing mail and messages, answering phones, preparing reports, claims operations, processing information by tabulating, compiling, sorting or coding, managing company records, and providing customer service. These employees are located in the Nuclear Operations Building, Service Building, Auxiliary Service Building, Control Building, Nuclear Training Center, Craft Technical Training Center, and the Security Building. All of these employees work in typical office settings, with standard office equipment. The Clericals assigned to the Service Building, Auxiliary Service Building, and Control Building provide clerical assistance to employees in some of the agreed-upon work classifications, including Nuclear Reactor Operators, Test Specialists, Technical Specialists, Planning Assistants, and Procedure Specialists. This assistance includes providing supplies, performing word processing, and retrieving, collecting and distributing records. Some of the Pool Clericals, including those assigned to the Health Physics Department and the Chemistry Department, work in the same office as supervisors and managers, and perform work for these supervisory personnel. During refueling outages the Pool Clerical employees perform a myriad of different tasks. One clerical employee has transferred into the position of Instrument Mechanic and one has become a Quality Control employee.

Reprographic Specialists make copies for anyone who has a large copying job including shop, operations, mechanical, and maintenance employees. Most of these copying jobs, however, are requested by supervisors, managers or professional employees. Requests by non-supervisory, non-professional employees are infrequent. The majority of this employee's work contacts would be with other clerical employees. Mail Couriers deliver mail throughout the plant. Payroll Clerks gather and verify time sheets submitted by employees for accuracy. Payroll clerks also field questions from employees concerning time and pay.

### 3. Analysis and Conclusions.

In the context of unit determinations involving public utilities, the Board has long held that a system-wide unit is optimal. Peco Energy Company, 322 NLRB 1074, 1079 (1997). The Board has admonished against allowing fragmentation of bargaining units in this specific industry, in large part because of the functional integration and interdependence that typically occurs in the utility industry. In so doing, the Board has underscored the public policy concerns associated with the need for ensuring continuity of provision of utility services. Baltimore Gas and Electric Company, 206 NLRB 199, 201 (1973). In Deposit Telephone Company, 328 NLRB No. 151 (1999), the Board confirmed that exceptions to a system-wide unit may be made, but only upon a finding that the smaller unit constitutes a well-defined administrative segment of the company's organization. In the current case, no party seeks a system-wide unit. The units argued for by both the Petitioner and the Employer involve only employees working at the Employers' Jenkinsville, South Carolina, facility. The policy behind the Board's settled presumption, however, provides guidance in the unit determination to be made here, as the same policy considerations are at issue. The initial determination to be made, therefore, is whether the unit sought by the Petitioner constitutes a well-defined administrative segment of the company's organization.

The petitioned-for unit encompasses employees from some, but not all, departments within the Nuclear Plant Operations Division. As well, the Petitioner seeks to include some, but not all, employees working within the Engineering Services Division. Thus, rather than encompassing an administratively and functionally-distinct group of employees, the proposed unit seeks to carve out specific classifications from two divisions. The unit sought by the Union, therefore, does not constitute a well-defined administrative segment of the company's organization. Deposit Telephone Company, supra.

The facility is centrally-managed with all divisions ultimately reporting to the Vice-President of the Nuclear Operations Division. All employees receive the same fringe benefits and bonus plan. Although some of the employees, including the Planner, Maintenance, Scheduling Coordinator, Surveillance Specialist III, and Nuclear Training Instructor III are salaried exempt, the Board has long held that the mode of payment is not controlling of unit placement. Kansas City Power and Light Company, 75 NLRB 612 (1947) The facility is operated in accord with regulations established by the Nuclear Regulatory Commission for the operation of a nuclear facility. The evidence establishes that the process by which the Employer produces electricity is one in which Operators, Mechanics, and Engineers are supported by employees who do not have direct contact with the operation of the nuclear

reactor. Specifically, the Planning Specialist, Planning Assistants, Tests Specialists II, Test Specialists III, Procedure Specialists, I and C, Tool Room Attendants, Plant Mechanics, Plant Electricians, Plant Electrical Apprentices, Specialist Planning, Instrument Mechanics, Instrument Mechanics Apprentices, I and C Specialists, Storekeepers, and Materials Couriers, who the parties agree should be included in the unit, provide integral support services that are necessary to enable the operators to perform their duties. Similarly, the remaining employees, whom the Union would exclude, provide services necessary for the operators to perform their duties. The integrated nature of the power generation process, and the procedure-intensive nature of the work, means that employees such as the Wastewater Assistants, Health Physics Specialists, Surveillance Specialists, Inspectors, Quality Control and Quality Assurance employees, and the Instructors perform duties functionally related to the duties performed by the operators.

Moreover, this functional integration creates the opportunity for interaction between employees in the agreed-upon classifications and many of the disputed classifications, including the Instructors, Health Physics Specialists and Quality Control Inspectors. In addition, employees in several of the disputed classifications share the same work schedules as employees in the agreed-upon classifications. For example, Health Physics Specialists, Inspectors II in Materials and Procurement, and Quality Control Inspectors all work the “nines” schedule, which is also worked by the Procedure Specialists and Technical Specialists. When assigned to the minimum shift complement, Health Physics Specialists work the same 12-hour shifts as operators and electricians. The record, thus, establishes that employees in the disputed classifications share a community of interest with the employees in the agreed-upon classifications.

I find, therefore, that a plant-wide unit, which is presumptively appropriate, is the unit found appropriate herein. Accordingly, I shall include in the unit herein the Instructor Nuclear Technician in the Operations Support Department; the Scheduling Coordinator; Planner, Maintenance; Wastewater Assistants; Health Physics Specialists; Health Physics Clerk; Surveillance Specialist III in Materials and Procurement; Inspectors II in Materials and Procurement; Quality Control Inspectors I, II and III; Quality Control Planning Specialists; Quality Assurance/ Quality Control Instructor; Quality Assurance Surveillance Specialists II and III; Health Physics Specialists in Quality Control; Nuclear Training Instructors III; Nuclear Technical Instructors I, II, and III; Simulator Operator Specialists; Security Instrument Mechanics; and Facility Man-A.

In regard to the Quality Control classifications of Surveillance Specialists and Quality Control Inspectors, Petitioner argues that there is an inherent conflict between the interests of employees in those classifications and those of the agreed-upon classifications, as the work performance of those unit employees is being reviewed by the Quality Control employees. The Board has long held, however, that, when there is otherwise a finding of community of interest, to include quality control employees in a production unit does not create a conflict of interest. See Blue Grass Industries, 287 NLRB 274 (1987). Petitioner seeks to distinguish this settled authority by arguing that the Board makes a distinction between quality control employees who deal with the inspection of parts and products as opposed to those whose job

requires that they interview and confront employees about their actual job performance, citing Virginia Manufacturing Company, 311 NLRB 992, 995 (1993). I find, however, that the rationale of cases cited by Petitioner is inapposite here. Unlike the situation in Virginia Manufacturing, *supra*, here there is no record evidence to support a contention that Quality Control Inspectors are required to directly confront employees concerning their job performance in order to perform the required inspections and audits. Moreover, although the duties of these employees involves the issuance of findings based on their reviews, there is no evidence that Quality Control employees have the authority to recommend discipline based on their findings. Applying the Board's settled rationale concerning quality control employees is, therefore, appropriate in the present case.

I find, however, that the Senior Chemistry Specialists and the Chemistry Specialists are professional employees under Section 2(12) of the Act as their work is primarily intellectual in nature; requires knowledge of an advanced type; and involves the exercise of independent discretion and judgment. In this regard, both classifications are required to perform sampling and testing functions that are complex. Although the Employer does not require that employees in either classification possess a college degree, the absence of such an academic requirement does not vitiate the conclusion that their job duties, nevertheless, require knowledge of an advanced type. See Barnert Memorial Hospital Center, 217 NLRB 775, 783 (1975). As the Petitioner does not seek to represent professional employees, and both parties stipulated to the exclusion of employees in other professional classifications, I shall exclude the Chemistry Specialists and Senior Chemistry Specialists from the unit found appropriate herein.

In regard to the Pool Clerical employees who are stationed in the Nuclear Operations Building, the record does not establish that a significant portion of their work is integrally related to the work performed by employees in the unit. These employees work in traditional office settings, performing traditional office clerical functions. I find, therefore, that these employees are office clerical employees, and I shall exclude them from the unit found appropriate herein. In regard to the Pool Clericals employed in the Service Building, Auxiliary Service Building, Control Building, Security Building, Nuclear Craft Training Building, and Nuclear Training Center, these clericals share some of the characteristics of both office and plant clericals, as they perform some clerical support duties directly for unit employees in several classifications. From the record evidence, I am unable to tell whether the disputed clerical employees are primarily engaged in office clerical work or plant clerical work. I shall, therefore, permit those employees to vote subject to challenge. In regard to the Payroll Clerk, the Reprographic Specialists, and Mail Courier, because their duties are distinctly office clerical in nature, and their contact with employees included in the unit herein is minimal, I find that they are office clerical employees and shall exclude them from the unit found appropriate herein. PECO Energy Co., 322 NLRB 1074, 1085 (1997), citing Dunham's Athleisure Corp., 311 NLRB 175, 176 (1993) and Hygeia Coca-Cola Bottling Co., 192 NLRB 1127, 1128-1129 (1971).

The Petitioner has indicated its willingness to participate in an election in a unit larger than that for which it petitioned. The unit found appropriate herein is larger than that sought by the



Petitioner. The Petitioner has submitted an adequate showing of interest for the unit found appropriate herein.

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